



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,720	02/08/1999	BUNICHI SHOJI	1892/47565.	5294

7590 11/13/2003

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

5W

# Office Action Summary

Application No.

09/245,720

Applicant(s)

SHOJI, BUNICHI

Examiner

Chi Q. Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 3 and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3635

### **DETAILED ACTION**

This Office action is in response to the applicant's amendment after final filed on 10/10/03. Upon further consideration, the previous finality is being withdrawn and new art and new grounds of rejection are present in the following:

#### ***Drawings***

The applicant is advised to remove the lettering labels figs. 3, 4, and 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 3, 5, and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, lines 11-16, the recited limitation is confusing. The following suggest amendment to overcome the 112 rejections: In line 9, after "said pipe member," insert "said flat section having a width determined by the diameter of the pipe member". In lines 12-13, after "said flat section", delete "which has a width determined by the diameter of the pipe member". In line 15, after "transitional" delete "slack".

In regard to claim 2 has the similar issue to claim 1. In line 10, after "said pipe tubular section; insert "said flat section having a width determined by the diameter of the

Art Unit: 3635

pipe member". In lines 12-13, after "said flat section", delete "which has width determined by the diameter of the pipe member".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Dziewolski (US 4,187,034).

Dzewolski teaches structural member comprising an upper chord member 1, a lower chord member 2, a diagonal chord member 9, 10, connected to a parent plate 5, and a connection part 1a, 2a, 9a, 10a, formed on an end of each of the chord members, respectively, wherein the upper chord member 1, lower chord member 2, diagonal chord member 9, 10 comprise a pipe member, the connection part 1a, 2a, 9a, 10a comprises a tubular section and a flat section formed integral and continuously with the tubular section extending from and integral with each the pipe member wherein the connection part 1a, 2a, 9a, 10a, connected to the parent plate 5 via a bolt 4, 11 passing through a bolt opening formed in the flat section with has a width determined by the diameter of the pipe member 1, 2, 9, 10, and an edge portion of the tubular section defining a curved boundary with the flat section and constituting a transitional portion (see fig. 1).

***Allowable Subject Matter***

Art Unit: 3635

Claims 3, 8, 9, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims 3, 8-10 are allowable because the prior art fail to disclose or render obvious the claimed combination including the connection part including a rib erected crosswise as specifically set forth in the claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 5 have been considered but are moot in view of the new ground(s) of rejection.

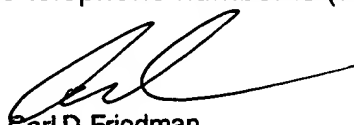
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Codd (US 4,704,836), Hemmelsbach (US 3,925,942), Ferguson (US 2,129,466), Gugliotta (US 4,211,044) teach structural tubular members.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CAN  
11/10/03  
Chris Nguyen

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600